

18304 U.S. PTO
09/24/03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney's Docket No. 49737.

Prior Application:

Examiner: Gary Hartmann

Art Unit: 3671

03916 U.S. PTO
10/669998
092403

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of:

Inventor(s): Leo J. Yodock, III; Leo J. Yodock, Jr.; Guy C. Yodock

For (title): BARRIER DEVICE WITH EXTERNAL REINFORCEMENT STRUCTURE

1. **Type of Application**

This new application is for a(n)

- ☐ Original (nonprovisional)
- ☒ Divisional
- ☐ Continuation
- ☐ Continuation-in-part (C-I-P)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date September 24, 2003 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number EL626297888US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lillian Pillitteri

{type or print name of person mailing paper}

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 CFR 1.10(b))

2. Relate Back – 35 U.S.C. 120

- ☒ Amend the specification by inserting before the first line the sentence:

"This is a

☐ continuation

☒ divisional

of copending application(s)

☒ Serial No. 10/033,974 filed on December 19, 2001

☐ International Application _____ filed on _____
and which designates the U.S.

3. Copy of Prior Application as Filed Which is Attached

- ☒ I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application, including the oath or declaration originally filed (37 C.F.R. 1.60)

☒ 30 page(s) of specification

☒ 16 page(s) of claims

☒ 1 page(s) of abstract

☒ 9 sheet(s) of drawings

☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) as DRAWING(S)." 37 C.F.R. 1.84(b).

☒ formal

☐ informal

- ☒ 4 in accordance with the indication required by 37 C.F.R. 60(b), my records reflect that the original signed Declaration and Power of Attorney showing applicants' signature was filed on February 25, 2002, a copy of which is attached.

☐ other

4. Additional papers enclosed

- ☐ Amendment to claims
 - ☒ Cancel in this application original claims 1-30 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
 - ☐ Add the claims shown on the attachment amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- ☐ Preliminary amendment
- ☐ Information Disclosure Statement (37 C.F.R. 1.98)
- ☒ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions for Representative
- ☐ Special Comments
- ☐ Other

5. Inventorship Statement

- (a) With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. 120 the inventor(s) in this application is(are):

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted.

_____ (inventor names to be deleted)

- (b) ☒ The inventorship for all claims in this application are:
☒ the same

OR

- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
☐ is submitted.
☐ will be submitted.

6. Language

- ☒ English
☐ Non-English
☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. 1.52(d).

7. Assignment

- ☐ An assignment of the invention is attached. A separate: "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or : FORM PTO 1595 is also attached.
☐ will follow.

8. Certified Copy(ies) of Application(s)

{country}	{appln. no.}	{filed}
<hr/>		
{country}	{appln. no.}	{filed}

from which priority is claimed

- ☐ is (are) attached.
☐ will follow.

9. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.
10. ☐ Applicant requests voluntary publication as soon as practicable and prior to eighteen months from earliest U.S. filing date.

11. Fee Calculation (37 CFR 1.16)

- A. ☒ Regular Application

CLAIMS AS FILED						
	Number Filed		Number Extra	Rate	Basic Fee	
					37 CFR 1.16(a)	
					<u>\$750.00</u>	
Total						
Claims (37 CFR 1.16(c))	15 - 20	= 0	X	\$ 18.00	00.00	
Independent						
Claims (37 CFR 1.16(b))	2 - 3	= 0	X	\$ 84.00	00.00	
Multiple dependent claims(s),						
if any (37 CFR 1.16(d))			+	\$280.00		

- ☐ Fee for Extra claims not being paid at this time. (37 CFR 1.16(d))

Filing Fee Calculation \$750.00

- B. ☐ Design application
(\$330.00 - 37 CFR 1.16(f))

Filing Fee Calculation \$

- C. ☐ Plant application
(\$520.00 - 37 CFR 1.16(g))

Filing Fee Calculation \$750.00

12. Small Entity Status

- ☒ Payment of small entity fee as assertion of entitlement to small entity status pursuant to 37 C.F.R. § 1.27(c)(3)
- ☒ Status as a small entity was claimed in prior application 10/033,974, filed on December 19, 2001, and , filed on from which benefit is being claimed for this application under:

35 U.S.C. ☐ 119(e),
☒ 120,
☐ 121,
☐ 365(c),

and which status as a small entity is still proper and desired.

☒ Fee Calculation (50% of A, B or C above) \$ 375.00

13. Request for International-Type Search (37 CFR 1.104(d))

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

14. Fee Payment Being Made At This Time

- ☐ Not enclosed
- ☐ No filing fee is to be paid at this time.
- ☒ Enclosed
- ☒ filing fee \$ 375.00
- ☐ voluntary publication \$ _____
- ☐ recording assignment (\$40.00; 37 CFR 1.21(h)) \$ _____
- ☐ petition fee for filing by other than all the inventors or persons on behalf of the inventor where inventor refused to sign or cannot be reached. (\$130.00; 37 CFR 1.47 and 1.17(h)) \$ _____
- ☐ for processing an application with a specification in a non-English language. (\$130.00; 37 CFR 1.52(d) and 1.17(k)) \$ _____
- ☐ processing and retention fee. (\$130.00; 37 CFR 1.53(d) and 1.21(l)) \$ _____
- ☐ fee for international-type search report. (\$40.00; 37 CFR 1.21(e)) \$ _____
- TOTAL FEES ENCLOSED** \$ 375.00

15. Method of Payment of Fees

- ☒ Check(s) in the amount of \$ 375.00.
- ☐ Charge Account No. 08-2625 in the amount of \$ _____. A duplicate of this transmittal is attached.

16. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees and any underpayment of fees by this paper and during the entire pendency of this application to Account No. 08-2625. A duplicate of this transmittal is attached.
- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
- ☐ 37 CFR 1.16(b),(c) and (d) (presentation of extra claims)
- ☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 CFR 1.17(a)(1)(5) (extension fees pursuant to § 1.136(a))
- ☐ 37 CFR 1.17 (application processing fees)
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

17. Instructions as to Overpayment

- ☒ Credit Account No. 08-2625.
- ☐ Refund

Respectfully submitted,

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